

## REMARKS

The above Amendments and these Remarks are in reply to the Office action mailed December 8, 2003.

### I. Summary of the Examiner's Rejections

Claims 32-37, 40-48, 50-58 and 60-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Davies et al.* (U.S. patent No. 5,913,907), and further in view of *Krause* (U.S. patent No. 5,950,206).

Claims 39, 51 and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Davies et al.* (U.S. patent No. 5,913,907), and [further] in view [of] *Krause* (U.S. Patent No. 5,950,206) as applied to the claims above, and further in view of *Burfield* (U.S. Patent No. 6,363,362).

### II. Remarks

#### Error in Summary Sheet in Notation of Finality of the Office Action

It is noted that the box marked "final" on the Office Action Summary sheet is checked, and this appears to be a typographical error. All other aspects of the Office Action indicate it is a non-final action. Applicant filed a Request for Continued Examination as noted on Page 2 of the Office Action, and the Office action mailed 12/8/2004 is the first action following such Request. No additional paragraph noting that the Action is final is found in the Office Action.

#### Request for Consideration of Information Disclosures

It is noted that the Information Disclosures submitted 8/26/2002 and 9/14/2000 have not been returned as initialed and signed, indicating consideration by the Examiner. Initialed copies of such Disclosures are respectfully requested.

### Rejection Under 35 USC §112

On page 2, the Examiner quoted 35 USC §112 and noted: “Claim 1 recites the limitation ...”.

Applicant notes Claim 1 is not pending in the application.

### Rejections Under 35 USC §103

Applicant respectfully submits that the references, even if combined, do not teach the invention.

Applicants claim 30 includes the following limitation:

wherein said first application program and second application program comprise any of at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application.

Applicant respectfully asserts that the references, in combination, do not teach this limitation. Specifically, even if Krause and Davies are combined, the resulting combination does not provide:

receiving a second type of data for the construction project input by a second application program of at least a second, *different* type running on a second computer system to said central database... wherein said application program of at least a first type and second application program of at least a second type application program comprise *any of* at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application. (Emphasis supplied).

As best understood, the Examiner finds support for two types of application programs in two alleged teachings of Krause: Fig. 4, column 5 lines 51 – 58 of Krause; (p. 4, Paragraph #1, of the Office Action) and (for an accounting program,) in Fig. 5 of Krause, the “Est. Cost” field.

Figure 4 of Krause is “... a project information report that can be printed by the member ...” (Krause, Col. 5, lines 13 – 15). Krause contains “project descriptions” which are defined as “... information such as name, location, due date, general work to be done. Other types of

information available can include blueprint plans, specification, addenda, bid forms contracts and miscellaneous.” (Id, Col. 4, lines 58 – 62).

There is hence no disclosure or suggestion of an underlying accounting system. Figure 5 of Krause is “another project information report that can be printed by the member.” (Id. Col. 5, lines 17 – 18).

There is no indication of any number of multiple types of application programs other than a project information database running in the system disclosed in Krause.

The text cited by the Examiner likewise does not support any feature which, when combined with Davies, would provide the claimed limitation. The text at col. 5, lines 51 – 58 reads as follows:

The member also can print any of the information related to the project in an instruction set 66. As stated above, construction document information in the form of a project description, blueprint plans, specifications, addenda, bid forms, contracts and miscellaneous information is available for viewing and printing at the member terminal 10. Finally, the member exits from the electronic planroom from the instruction sets 58 and 66 at an instruction set 68.

There is no support in this text for any feature which when combined with Davies would render the claimed invention obvious.

Moreover, there is no disclosure of “any of” the application programs. Even if such the cost estimating systems disclosed in the Background section of Krause could be considered “accounting systems”, there is no disclosure of the other types of application programs defined in claim 32, namely “...a computer aided design software application, a design database application, a procurement application, a facilities management application...”.

Hence, a combination of *Davies* with *Krause* cannot support any rejection of claim 33 under 35 U.S.C. §103 as the references do not disclose all the elements of the claimed invention even when combined. Hence, claims 32 – 37 and 40 – 44 are likewise not obvious. Reconsideration of claims 32 – 37 and 40 – 44 is therefore requested.

Further, it is respectfully submitted that the invention as defined in claim 45, and dependent claims 46 – 52 is not obvious. Claim 45 requires:

... said first type and second type of application program comprise any of at least one of a computer aided design software application, a design database application, a

procurement application, a facilities management application, or an accounting application

For the reasons set forth above, a combination of *Davies* with *Krause* cannot support any rejection of claim 45 under 35 U.S.C. §103 as the references do not disclose all the elements of the claimed invention even when combined. Hence, claims 46 – 48, 50 and 52 are likewise not obvious. Reconsideration of claims 46 – 48, 50 and 52 is therefore requested.

Further, it is respectfully submitted that the invention as defined in claim 53, and dependent claims 54 is not obvious. Claim 53 requires:

... said first type and second type of application program comprise any of at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application

For the reasons set forth above, the combination of *Davies* with *Krause* cannot support any rejection of claim 53 under 35 U.S.C. §103 as the references do not disclose all the elements of the claimed invention even when combined. Hence, claims 53 and 54 are likewise not obvious. Reconsideration of claims 53 and 54 is therefore requested.

Further, it is respectfully submitted that the invention as defined in claim 55, and dependent claims 56 – 58 and 60 – 64 is not obvious. Claim 55 requires

... said first and second type of application software comprises any of at least one of a design database application, a procurement application, a facilities management application, or an accounting application;

A combination of *Davies* with *Krause* cannot support any rejection of claim 55 under 35 U.S.C. §103 as the references do not disclose all the elements of the claimed invention even when combined. Hence, claims 56 – 58 and 60 – 64 are likewise not obvious. Reconsideration of claims 55 – 58 and 60 – 64 is therefore requested.

Remarks Regarding Burfield

Applicant notes the Examiner's remarks regarding Burfield. However, claims 39 and 51 are not pending in the application. As understood, Burfield is only applied against pending claim 61. Even if, as the Examiner suggests, "Burfield that [sic] clearly teaches the method of using accounting software ...", it nevertheless fails to teach "...a design database application, a procurement application, a facilities management application, or an accounting application..."

\* \* \*

Based on the above amendments and these remarks, reconsideration of claims 32-37, 40-48, 50, 52-58, 60-64 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

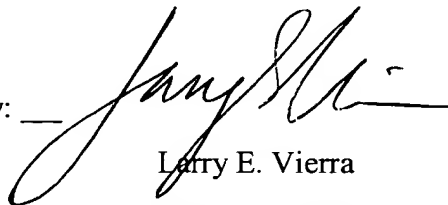
Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, June 8, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: June 8, 2004

By: \_\_\_\_\_



Larry E. Vierra

Reg. No. 33,809

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: 415-369-9660  
Facsimile: 415-369-9665